

Applicants: Richard M. Lawn, Gordon A. Vehar, and Karen L. Wion
Serial No: continuation of 07/969,863
Filed: December 15, 1993
For: *METHODS AND DEOXYRIBONUCLEIC ACID FOR THE
PREPARATION OF TISSUE FACTOR PROTEIN*
PRELIMINARY AMENDMENT

Remarks

New Claims

Support for the new claims 20-26 is found at page 15 and in Figure 2. Accordingly, no new matter is presented.

None of the newly claimed forms of tissue factor occur in nature nor have they previously been reported in the literature. Moreover, all these forms have now been made and reported in the literature to have biological activity.

In the Office Action mailed March 29, 1993, claims 4-6 and 8 were rejected under 35 U.S.C. §112 as overly broad, non-enabled and vague and under 35 U.S.C. §103 as obvious over Guha, et al., in view of Weissman, et al., Santerre, et al., and Pongor, alone or in combination with Dull, et al. or Morrissey, et al. These rejections are respectfully traversed if applied to the amended claims.

The claims have been amended as specifically defined at page 15 of the application to more clearly delineate the proposed modifications to the claimed tissue factor. Until cloned, it was not possible to make these changes. Based on the prior art cited by the Examiner, it would at most have been obvious to try to isolate the cDNA encoding human tissue factor; as is apparent from the specification, many probes were tried unsuccessfully prior to obtaining a full length probe which could be sequenced and

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expressed. As of 1987, the time the priority application to the one now in issue was filed, such methodology constituted undue experimentation and the results could not be predicted. However, one the sequence was in hand, it was routine to express and modify the sequence.

Accordingly, entry of the new claims and allowance of all pending claims 4-6, 8, and 20-26, is respectfully requested.

Respectfully submitted,



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